

### **REMARKS**

Claims 1-20 are now pending in the application. Claims 1, 14, and 18 have been amended. Claim 1 has been amended to include a vent valve that allows bi-directional flow directly through the flexible member. Support for the amendment is found in the Specification at Paragraphs [0023] through [0026]. Claim 14 has been amended to include an automotive component configured to vent a transmission having a flexible member being configured to provide at least a portion of a bi-directional vent path between the first end, fluidly coupled to the transmission, and second end. Support for the amendment is found in the Specification at Paragraphs [0009, 0017, 0018, and 0021]. Claim 18 has been amended to refer to an automotive component. Support for the amendment is found in the Specification at Paragraph [0010]. The amendments to the claims contained herein are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 18-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Claim 18 has been amended to recite an automotive component. Applicant believes that the amendment makes Claim 18 comply with the enablement requirement. Withdrawal of this rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 9-10, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kallenbach (U.S. Pat. No. 5,105,848). This rejection is respectfully traversed.

At the outset, Applicant points out that Claim 1 has been amended to include the flexible member allowing bi-directional flow directly through the flexible member. Kallenbach discloses a single-direction swimming pool cleaner relief valve. Pressure is relieved in the Kallenbach system using a diaphragm. When the pressure is too low, flaps in the diaphragm open to allow more water to enter the system and when pressure is too high, the excess pressure is “vented around” the diaphragm and out of the bypass passage causing the diaphragm to be partly displaced (Column 14, lines 16-34). The Kallenbach system is only uni-directional and is not bi-directional because supplementing pressure in the system occurs by deforming the flaps of the diaphragm while relieving pressure in the system occurs by displacing the diaphragm completely. Kallenbach’s system does not disclose Applicant’s bi-directional flow directly through the flexible member to equalize pressure. As Kallenbach fails to disclose each and every element of Applicant’s invention, the §102(b) rejection is improper for independent Claim 1 and by dependency Claims 2-3, 9-10, and 13. Withdrawal of the rejection is respectfully requested.

Claims 14-17 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tupper (U.S. Pat. No. 4,165,816). This rejection is respectfully traversed.

Claims 14 and 18 have been amended to include the limitation that the valve includes a bi-directional vent path through the flexible member.

Tupper discloses a vent cap for a fuel tank for chain saws, power mowers, snowmobiles, etc. which includes a body including a duck bill portion which defines a pair of lips. When pressure decreases in the fuel tank, the lips open and air enters the system through the lips to equalize pressure. When the pressure increases in the tank, the entire relief valve moves up to depress a spring and allow air flow "around the outside of the [body] portion" (Column 3, lines 7-22) and not through the lips. Tupper's system is only uni-directional and not bi-directional. Tupper does not disclose Applicant's bi-directional flow through the flexible member to relieve a pressure differential. As Tupper fails to disclose each and every element of Applicant's invention, the §102(b) rejection is improper for independent Claims 14 and 18, and by dependency Claims 15-17 and 19-20, respectively. Withdrawal of the rejection is respectfully requested.

Claims 14 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miller (U.S. Pat. No. 3,388,825). This rejection is respectfully traversed.

Miller discloses a filter protected radiator cap. When pressure in the system develops, the excess pressure passes with vapor in the system. The vapor passes through a filter element and lifts a vent valve arrangement against a spring. The compression of the spring causes discharge from the overflow of the pipe 32. The reference merely discloses a vacuum relief valve in the form of a squeegee directed downward through an aperture (Column 2, lines 9-61). Miller does not disclose regulating low and high pressure directly through the vent valve. Because Miller fails to

disclose each and every element of Applicant's invention, the §102(b) rejection is improper for independent Claim 14, and by dependency Claim 16. Withdrawal of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallenbach (U.S. Pat. No. 5,105,848). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kallenbach (U.S. Pat. No. 5,105,848) in view of Izydorek (U.S. Pat. No. 5,722,367). Claims 14-20 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Tupper (U.S. Pat. No. 4,165,816) or Miller (U.S. Pat. No. 3,388,825) in view of Atkinson (U.S. Pat. No. 4,434,810). These rejections are respectfully traversed.

With respect to Claims 5-8, Kallenbach discloses a vent opening in a single direction to relieve pressure in one direction and displacing the entire diaphragm to relieve pressure in the opposite direction. Applicant's claimed invention allows for bi-directional flow directly through the flexible member to relieve low and high pressure. Accordingly, Kallenbach does not teach or suggest Applicant's invention. Withdrawal of the rejection is respectfully requested.

With respect to Claim 4, the addition of Izydorek to Kallenbach does not remedy the shortcomings of Kallenbach. Examiner cites Izydorek to teach the use of fluorosilicon. As stated above, Kallenbach is a uni-directional system. Therefore, the combination of the uni-directional system and the use of fluorosilicon would not teach Applicant's bi-directional flow directly through the flexible member. Furthermore, the

Izydorek teachings relate to an engine idle speed air control device where a diaphragm expands against a main valve seat to stop air from flowing from the inlet passage to the outlet passage (Column 4, lines 64 through Column 5, line 4; Column 5, lines 24-55). Izydorek does not teach or suggest the use of slits in the diaphragm. Accordingly, the combination of Kallenbach and Izydorek does not teach or suggest Applicant's invention. Withdrawal of the rejection is respectfully requested.

With respect to Claims 14-20, the various combinations of Tupper or Miller and Atkinson do not teach or suggest Applicant's invention. One skilled in the art would not be motivated to refer to Atkinson because Atkinson is non-analogous art to Applicant's claimed invention. "The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination" (*In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443 Fed Cir. 1992). As stated above herein, Tupper discloses using the lips to equalize pressure in a fuel tank for chain saws, power mowers, snowmobiles, etc, and Miller discloses relieving vacuum pressure in a radiator; both of these references relate to internal combustion engines. In contrast, Atkinson relates to a bi-directional pressure relief valve for a squeeze type beverage bottle. One skilled with automotive components that is seeking to relieve pressure in the high temperature environment of a vehicle would neither be motivated to nor reasonably expected to refer to Atkinson's teachings of a beverage container where the valve can be placed against a user's mouth to provide the pressure relief.

Furthermore, there is no motivation to combine the Atkinson teachings with Tupper or Miller because the pressure relieved in a beverage container is grossly below the magnitude of pressure that can accumulate within a radiator or a motor vehicle. Applicant respectfully asserts that a combination of the disparate and non-analogous Atkinson art with Tupper or Miller is without reason, suggestion, or motivation and is improper hindsight. Withdrawal of the rejection is respectfully requested.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Aug 24-2005

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